

**JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS**

455 Golden Gate Avenue
San Francisco, California 94102-3660

Report Summary

TO: Members of the Judicial Council

FROM: Trial Court Budget Commission
Hon. Ray L. Hart, Chair
Tina Hansen, 415-865-7951
Jonathan Wolin, 415-865-7535

DATE: February 16, 2001

SUBJECT: Setting of Budget Priorities and Caps for Fiscal Year 2002–2003
Trial Court Budget Requests (Action Required)

Issue Statement

For budget year 2001–2002, the Judicial Council set priorities and budget caps and/or limits before the budget development package was submitted to the courts for completion. The TCBC recommends following this same process for the fiscal year 2002–2003 budget development process.

TCBC Recommendation

Budget Priorities

The TCBC recommends that the Judicial Council approve the following budget priorities for fiscal year 2002–2003:

- Set aside \$30 million for statewide technology requests. These are requests in the areas of Technology Infrastructure (including Telecommunications) and Management of Court Operations and Resources;
- Set aside \$10 million for statewide budget requests in the areas of Interpreters and Court Appointed Counsel;
- Set aside approximately \$127 million to be requested by individual courts within approved priority areas (other than the statewide areas listed above); and
- Establish the following six trial court budget priorities for individual court budget requests:

1. Establishment/Expansion of Administrative Services
2. Court Staffing
3. Pay Parity
4. Security
5. Children and Family
6. Records Management.

(Please see more detailed discussion of the above TCBC recommendations in the report at pages 6-8 and 12-18.)

Budget Caps

The TCBC recommends that the Judicial Council approve the following caps for individual court budget requests in the six above listed priority areas for the fiscal year 2002–2003 budget process (in an amount not to exceed approximately \$127 million):

- Up to 7.5 percent of baseline budgets (excluding superior court judges' salaries and assigned judges) for courts with budgets of more than \$3.3 million and up to \$250,000 for courts with baseline budgets below \$3.3 million;
- Submission of as many budget change requests as a court wants within the six priority areas so long as they do not exceed the 7.5 percent of baseline budget or \$250,000 cap; and
- Submission beyond the \$250,000 cap, of a maximum of three additional budget requests for extraordinary needs in the six previously listed budget priority areas for courts with baseline budgets of less than \$3.3 million. Courts must document the urgent need for the request and the adverse impact to the court or the public of not approving the request.

Program Areas Not Included in TCBC Recommendation

The following program areas were not included as priorities in the recommendation of the TCBC, but were identified by some courts as a priority:

- Jury
- Infrastructure Improvement
- Training and Education
- Unrepresented Litigants
- Public Outreach/Strategic Planning
- ADR/Mediation
- Collaborative Courts/Specialty Courts

(Please see more detailed discussion of the above priority areas in the section of the report beginning on page 9.)

Rationale for TCBC Recommendation

Budget Priorities

A lengthy process was undertaken to link the budget process to the strategic planning process of the courts and the long-term goals of the Judicial Council. Several groups, including all trial court systems, all Judicial Council advisory committees and task forces, and a Budget Process Working Group, had the opportunity to provide their input on what the budget priorities should be for fiscal year 2002–2003. The TCBC reviewed these results and developed the recommendations mentioned above based, in part, on the overall number of points each priority area received out of the possible maximum number. In addition, they separated out two areas – Interpreters and Court Appointed Counsel – to receive separate consideration because they are statewide issues, have received funding in the past several years, and are required costs for the courts.

Budget Caps

In order to keep the amount of funding requested by the trial courts at a reasonable level, the TCBC set an overall maximum that could be requested – 10 percent of the total trial court baseline budget (not including superior court judges’ salaries and assigned judges) or \$167 million. They determined that \$30 million should be set aside for Technology and \$10 million for the combined areas of Interpreters and Court Appointed Counsel – two areas that have costs that the courts are required to pay. This leaves \$127 million. The TCBC had to develop a cap for courts in requesting the remaining funding. The following recommended caps were approved: 7.5 percent of baseline budget for courts with baseline budgets over \$3.3 million and a maximum of \$250,000 for courts with baseline budgets less than \$3.3 million. The TCBC also decided that in order to assist the small courts with extraordinary needs they may have beyond what they can request with the cap of \$250,000, courts with baseline budgets under \$3.3 million may submit a maximum of three budget requests in the six previously listed priority areas.

Alternative Actions Considered by TCBC

The TCBC discussed the following alternatives to the staff recommendations:

- Placing one or more priority area that is of particular importance to the public (jury system improvement, public outreach/strategic planning, unrepresented litigants) above those priorities that received a higher prioritization by the courts. The TCBC discussed this issue and decided that none of these programs

should be recommended as priorities for the following reasons: (1) they had continually been considered as low priorities by most of the courts throughout the process; (2) funding had recently been received in some of these areas (increased jury per diem fees and one-day/one-trial funding); (3) funds were available from other sources (Strategic Planning); or (4) the priority was important enough to courts that they would provide the services regardless of whether funding was made available or not (public outreach).

- Limiting the number of budget change requests (BCRs) that courts can request to either one per priority area or a set number regardless of priority area. The TCBC discussed this and decided not to institute any limits on the number of BCRs other than that the total amount requested in the six priority areas cannot be more than 7.5 percent of a court's baseline budget (for courts with baseline budgets over \$3.3 million) or, \$250,000 if a court has a baseline budget of less than \$3.3 million. Many TCBC members felt that limiting courts to one BCR in each priority area would result in disjointed BCRs that would cover a number of unrelated requests. They also felt that limiting the courts to a certain number of BCRs overall, such as 7 or 15, would be too limiting as well, and again would result in BCRs that covered too many unrelated requests and would be confusing to read.
- Increasing the amount set aside for Technology (\$30 million). Some TCBC members felt that this was a very important area for the courts and that they had the need for a larger amount of funding. However, it was pointed out that funding was available for Technology through the Judicial Administration Efficiency and Modernization Fund (Modernization Fund), that some of the Technology funding would be spent over a multi-year period, and some was appropriated on an ongoing basis. In addition, the \$30 million amount was considered to be adequate by the Information Systems Division of the AOC. The TCBC decided not to increase the amount.

Comments from Interested Parties

This item was not circulated for comments. It is not customary to circulate budget items to the public. Trial court systems did, however, have two opportunities to express their opinions as to what they felt the budget priorities should be for fiscal year 2002–2003.

Implementation Requirements and Costs

The recommended actions will not result in an increase in costs to the trial courts or the AOC. Whatever requests are ultimately submitted will be for new funding.

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Hon. Ray L. Hart, Chair
Jonathan Wolin, 415-865-7535

DATE: February 16, 2001

SUBJECT: Setting of Budget Priorities and Caps for Fiscal Year 2002–2003
Trial Court Budget Requests (Action Required)

Issue Statement

Budget Priorities

The trial court budget process will begin in the next couple of months for fiscal year 2002–2003. The Judicial Council has set trial court budget priorities in the past several years, though they have been approved at various times during the budget process. In the last budget year (2001–2002) budget priorities were set before the budget development packages were sent to the courts for completion. For fiscal year 2002–2003, the TCBC wants to follow the same procedure and to tie the strategic planning process more closely to the trial court budget process.

Budget Caps

Caps or limits on trial court budget requests have been instituted over the past several fiscal years, when budget requests were used, in an effort to keep the number of budget requests and the amount of funding requested by the trial courts at a reasonable level. In fiscal year 2001–2002, courts were required to submit information on specific forms in the areas of technology, court appointed counsel, county/state increased charges (which included security), and interpreters. Courts were also allowed to submit unlimited BCRs for local needs (which included any area besides those mentioned in the sentence above) in an amount up to 10% of their baseline budget or \$100,000, whichever was highest. The reason for the dollar limit was to allow some of the smaller courts that have baseline budgets of

under \$1,000,000 to be able to request enough funding, for example, to hire a new position in a much needed area. The TCBC wants to follow a similar procedure for fiscal year 2002–2003.

TCBC Recommendation

Budget Priorities

The TCBC recommends that the Judicial Council approve the following budget priorities for fiscal year 2002–2003:

TECHNOLOGY

- Set aside \$30 million for statewide technology requests. These are requests in the areas of Technology Infrastructure (including Telecommunications) and Management of Court Operations and Resources.

[This program supports the Judicial Council’s long-range strategic plan through Goal III-Modernization, in Court Technology, which states in part “Develop statewide policies and procedures to coordinate the use of technology by the courts; to implement statewide standards to ensure the integrity of justice information; make justice information accessible through common, well-understood technology....” The vast majority of courts ranked Technology high as a priority.]

COURT APPOINTED COUNSEL AND INTERPRETERS

- Set aside \$10 million for statewide budget requests in the areas of Court Appointed Counsel and Interpreters;

1. Court Appointed Counsel.

[This program supports goals II of the Judicial Council’s long-range plan – Independence and Accountability – and IV – Quality of Justice and Service to the Public – by reducing delays in case processing and obtaining adequate funding and resources for the support and operation of the courts. Very few courts considered this program as a high priority at this time.]

2. Interpreters.

[This program supports Goal I – Access, Fairness, and Diversity – of the council’s long-range strategic plan, by providing funding to develop training and certification programs for court interpreters to create a larger pool of qualified interpreters to serve in cases as required by law. This program was considered a low priority by a majority of the courts.]

OTHER PROGRAM PRIORITY AREAS

- Set aside approximately \$127 million to be requested by individual courts within approved priority areas (other than the statewide areas listed above); and
- Establish the following six trial court budget priorities for individual court budget requests:

1. Establishment/Expansion of Administrative Services.

[This program fits into the following Judicial Council long-range strategic plan goals: Goal II – Independence and Accountability by enhancing the ability of the courts to (1) obtain adequate funding and resources for the support and operations of the courts; (2) exercise the inherent and statutory authority of the judiciary to plan for and manage its funding, personnel, resources, and records; and, (3) maintain the structure and the operations of the court for continuous operation and optimum service; and Goal IV – Quality of Justice and Service to the Public, in that (1) the provision of adequate court administrative operations and services will help reduce case backlogs, promote operational efficiency, and expedite the resolution of cases and (2) maintaining sufficient fiscal and personnel operations provides for timely work completion to meet caseload. A large majority of courts considered this program area to be a high priority for them at this time.]

2. Court Staffing.

[This program fits into the Judicial Council's long-range strategic plan through Goal III – Modernization, subsection A – Court and Case Management, which states in pertinent part “Encourage and assist courts to establish innovative practices to improve case processing” and “Actively manage workload, including case calendar and trial management.” A substantial majority of courts considered this program to be a high priority for them at this point in time.]

3. Pay Parity.

[This program aligns with the Judicial Council's long-range strategic plan through Goal II – Independence and Accountability, subsection A. Branch Independence. Well over half the courts considered this program area to be a high majority for them at the current time.]

4. Security.

[This program supports Goal III of the Judicial Council's long-range strategic plan —Modernization, which states in pertinent part "Develop and promote the proper level of security for the public and court personnel at all court levels and locations." Over half the courts considered this program to be a high priority for them at this time.]

5. Children and Family.

[This program aligns with the following Judicial Council long-range goals: Goal I – Access, Fairness, and Diversity; Goal II – Independence and Accountability; Goal III – Modernization of Management and Administration; and Goal IV – Quality of Justice and Service to the Public. Over half the courts considered this program area to be a high priority for them at this point in time.]

6. Records Management.

[This program is addressed under Goal III – Modernization – of the Judicial Council's long-range strategic plan, which seeks to improve records management in the courts; reducing the amount of paper processed by the courts and users of the courts. More than half the courts considered this program area to be a high priority for them at the current time.]

Budget Caps

The TCBC recommends that the Judicial Council approve the following caps for individual court budget requests in the six above listed priority areas for the fiscal year 2002–2003 budget process (in an amount not to exceed approximately \$127 million):

- Up to 7.5 percent of baseline budgets (excluding superior court judges' salaries and assigned judges) for courts with budgets of more than \$3.3 million and up to \$250,000 for courts with baseline budgets below \$3.3 million;
- Submission of as many budget change requests as a court wants within the six priority areas so long as they do not exceed the 7.5 percent of baseline budget or \$250,000 cap; and
- Submission beyond the \$250,000 cap, of a maximum of three additional budget requests for extraordinary needs in the six previously listed budget priority areas for courts with baseline budgets of less than \$3.3 million. Courts must document the urgent need for the request and the adverse impact to the court or the public of not approving the request.

Issues Not Included in TCBC Recommendation

The following program areas were not included as priorities in the recommendation of the TCBC, but were identified by some courts as a priority:

➤ Jury.

This program fits into the Judicial Council's long term strategic plan through Goal 5 – Quality of Justice and Service to the Public by broadening access to the courts through the one-day/one-trial system. Few courts indicated that this area was a priority for them at this time. Funding has been received in fiscal years 1999–2000 and 2000–2001 for implementation of one-day/one-trial programs. Additional funding (\$4.2 million) is pending for this area in the Governor's Budget for fiscal year 2001–2002. A substantial amount of ongoing funding was provided in fiscal year 2000–2001 to increase the per diem fee from \$5.00 per day to \$15.00 per second and subsequent day for jurors on criminal cases. These funds have not been allocated yet because the data provided from the courts as to the level of funding they need in this area has not been adequate. It may be the case that funds already exist to increase the per diem. The amount of funds available is unknown at this time.

➤ Infrastructure Improvement.

This program addresses Judicial Council long-term strategic goals II – Independence and Accountability and IV – Quality of Justice and Service to the Public. Approximately half the courts indicated that this program area was a priority for their court. A BCP for this program area was submitted to the Governor for fiscal year 2001–2002 requesting \$5.8 million. Of this amount, \$4.6 million was included in the Governor's Proposed Budget. Infrastructure was not included on the funding priority list because funding for infrastructure improvements is one-time funding. Program areas that request on-going funding were determined to be a higher priority than those program areas that only sought one-time funding.

➤ Training and Education.

Education falls under Goal V of the council's long term strategic plan. Nearly half of the courts indicated that they needed additional funding in this area. Funding in the amount of \$2.85 million was available for education and training in the Judicial Administration Efficiency and Modernization Fund (JAEMF) for fiscal year 1999–2000. This amount may increase slightly for fiscal year 2000–2001.

➤ Unrepresented Litigants.

This program is a component of Goal IV – Quality of Justice and Service to the Public – of the Judicial Council’s long term strategic plan. Again, as with Training and Education, almost half of the courts indicated that this was a priority area for them. The AOC submitted a BCP in fiscal year 2001–2002 for \$4.6 million for establishing new self-help programs in the courts. No funding was included in the Governor’s Proposed Budget. \$2.3 million in technical assistance grants was awarded to courts in fiscal year 2000–2001 from the JAEMF. Five of the 34 approved grants concerned self-help programs. Approximately \$300,000 in Trial Court Improvement Funds will be available in fiscal year 2000–2001 for grants similar to the strategic planning grants, to assist courts in helping them develop action plans for serving self-represented litigants. Courts will be able to apply for grants ranging from \$3,000 to \$10,000 each.

➤ Public Outreach/Strategic Planning.

Similar to Unrepresented Litigants, this program falls within Goal IV of the council’s long term strategic plan – Quality of Justice and Service to the Public. Less than half of the courts indicated that this area is a priority for them at this time. The AOC submitted a BCP in fiscal year 2001–2002 for almost \$900,000 in this area. No funding was included in the Governor’s Proposed Budget. Grants have been made available to the courts to assist them in developing their strategic plans. Public outreach is an area that the courts have undertaken within their existing resources. Funding in the amount of \$325,000 was available in fiscal year 1999–2000 and the same amount will continue to be available in fiscal year 2000–2001 from the Trial Court Improvement Fund to assist the courts in developing their strategic and operational plans.

➤ ADR/Mediation.

This program is addressed in goal IV – Quality of Justice and Service to the Public of the council’s long term strategic plan. Only a small number of courts indicated that this area was a priority for them at this time.

ADR/Mediation was not included as a funding priority because most court systems have an established ADR/Mediation program. The AOC has been funding a pilot program for mediation and expansion of ADR programs from the JAEMF. \$2.5 million was available in fiscal year 1999–2000. Full year funding of these pilot programs began in fiscal year 2000–2001.

➤ Collaborative Courts/Specialty Courts.

This program falls within Goal III – Modernization – of the council’s long term strategic plan. Very few courts considered this program area to be a priority for them at this point in time. A variety of funding sources and

grants are available to the courts, particularly for drug courts. This includes \$2.8 million in the California Drug Court Project, \$120 million for Proposition 36 implementation, and \$9.5 million from the Comprehensive Drug Court Implementation, for a total of almost \$132.3 million.

Rationale for TCBC Recommendation

Budget Priorities

As part of tying the strategic planning process to the budget development process, the following steps were taken:

- A Trial Court Program Budget Priority Worksheet was created placing potential priority areas into the six goals of the Judicial Council Long-Term Strategic Plan.
- Each trial court was requested to complete the Worksheet indicating what the top ten priority areas were for them. The results were reviewed with the courts at the Trial Court Planning Workshop in October 2000. (56 courts responded.) See Attachment A at page 21.
- Each Judicial Council advisory committee and task force was asked to provide their top ten list of priorities. (4 committees responded.)
- A Budget Process Working Group was formed in January to review the results from the court and advisory committee prioritization. The group made changes to the different categories on the priority list. They were then asked to individually prioritize these items.
- The updated list of categories was then sent out to all trial courts again so that they could have a last opportunity to provide input on the priorities. (41 courts responded.) See Attachment B at page 22 for the results of this prioritization and Attachment C at pages 23 and 24 for a definition of each category.

The TCBC reviewed the results of the court and committee prioritizations and staff recommendations and voted to forward to the Judicial Council the recommendations contained in this report. All of the areas being recommended, except for Interpreters and Court Appointed Counsel, were always at the top of the prioritization lists in each round. As shown in Attachment B, the priority areas received at least half of the possible number of points (779) they could have received by the courts that completed the prioritization. Interpreters and Court Appointed Counsel were separated out for separate consideration because they are required costs that the state has always provided to the courts. It is possible that they did not rank high in the priority process because of this. It appears that the courts did not want to “waste” their higher priorities on programs they felt would be funded as needed.

Background of Recommended Priorities

- Technology. [The vast majority of courts ranked Technology high as a priority.]
 - The Tactical Plan for Court Technology, adopted by the Judicial Council in January 2000, builds upon the council's broad strategic technology objective, and includes five initiatives: Planning, Court Management Systems, Infrastructure, Communications and Information Standards. The tactical plan mandates that trial courts form groups for the express purpose of developing collaborative solutions to common technology problems.
 - In fiscal year 1999–2000, \$15.7 million was spent for technology projects, primarily Year 2000 remediation, from the JAEMF.
 - The Trial Court Trust Fund received \$22 million through the fiscal year 2000–2001 BCP process for court management systems, technology infrastructure, and ancillary technology systems. An additional \$34.4 million for new case management systems (\$21 million), software licenses and replacement of outdated equipment (\$7.4 million), and technology planning (\$6.0 million) was added to the Trust Fund through the fiscal year 2000–2001 May Revise process, bringing the fiscal year 2001–2002 total new funding in the Trust Fund to \$56.4. Of this total, \$7.4 million is ongoing.
 - In addition, the JAEMF has a fiscal year 2000–2001 appropriation of \$37.322 million, plus \$8 million in reappropriated funds. Of the \$45.322 million in available funding, \$28.3 million has been allocated for technology. \$4.2 million remains unallocated.
 - The Judicial Council requested \$64.1 million for technology-related projects, all of which were denied by the Governor. A Finance Letter was recently submitted that requests \$34.481 million to meet goals established for Infrastructure and Communications (\$5.027 million) including Network Architecture, Local Area Networks (LANs); Technology Staffing (\$1.346 million); Equipment Replacement (\$8.397 million), and Court Management Systems and Information Standards including (\$18.3 million) for the Certified Case Management System.
- Court Appointed Counsel. [Very few courts considered this program as a high priority at this time.]
 - The determination of optimal placement for children who are the alleged victims of neglect or abuse is one of the most critical functions performed by the state's judiciary. Integral to this dependency adjudication process is court appointed counsel for both juvenile and adult parties.
 - In an effort to ensure that the due process rights of parents involved in dependency proceedings are protected, parents in dependency court are

statutorily entitled to court appointed counsel under Welfare and Institutions Code sections 317(b) and 317.5(a).

- Although appointment of counsel for children in dependency cases is discretionary, court systems that appoint counsel for all non-infant children in dependency proceedings are responsible for a significant portion of the more than 109,000 children under dependency jurisdictions statewide.
- The Budget Act of 2000 contained \$5.72 million to address dependency counsel caseload and rate increases, newly identified rule 810 allowable charges, and costs associated with counsel appointments pursuant to Family Code section 3150. Currently, \$3.857 million is pending in the Governor's Budget for fiscal year 2001–2002 for court appointed counsel. There appears to be an ongoing need for additional budget increases to address caseload and rate increases.

➤ Interpreters. [This program was considered a low priority by a majority of the courts.]

- Article I, section 14 of the California Constitution guarantees an interpreter for any criminal defendant who does not understand English.
- Evidence Code Section 752 provides for the appointment of an interpreter for a witness who does not understand English.
- Ensuring the quality and availability of interpreter services facilitates the court systems ability to comply with constitutional and legislative mandates to use qualified interpreters in interpreter proceedings (Cal Const., art I § 14, Evid. Code, § 751, and Gov. Code, § 68561).
- The Budget Act annually specifies that: 1) funds set aside for court interpreters must be used to pay for contract interpreters, certified court interpreter employees and court interpreter coordinators based on county population; and 2) the Judicial Council is to set statewide rates, not to exceed the federal rate, and to adopt rules and procedures for the administration of these funds.
- Growth. Interpreting services are being provided in over 100 different languages, while California has 224 languages and innumerable dialects. Funding shortages result in cases that are delayed or continued due to the lack of qualified interpreters. Court interpreter use has increased over the past several years and is anticipated to continue growing in the future.
 - 1998-1999 194,441 uses
 - 1999-2000 200,892 uses
 - 2000-2001 207,722 estimated uses
 - 2001-2002 214,785 estimated uses
- Limited Qualified Interpreters.
 - The pool of qualified interpreters is limited due to several factors
 - Historically insufficient compensation provided by the courts

- Higher pay offered by Federal Courts and the private sector.
 - Recent Court Interpreter pay increases are still below Federal and private sector rates.
 - The fiscal year 2000–2001 baseline budget for Court Interpreters is \$54 million. The original fiscal year 2001–2002 BCP asked for \$7.314 million in funding for projected growth and interpreter rate increases (\$3.663 for growth and \$3.651 for rate increases). The rate increase request was to address and help reduce the difference between the current federal and private rates and the current court interpreter rates. The Governor’s Proposed Budget supports \$3.663 million for growth to the fiscal year 2001–2002 budget. There appears to be an ongoing need for annual budget increases to address workload growth in this program area.
- Establishment/Expansion of Administrative Services. [A large majority of courts considered this program area to be a high priority for them at this time.]
- Prior to The Trial Court Funding Act (AB 233), counties provided the trial courts with all administrative services, such as fiscal services, human resources, facilities management, janitorial and handy-person services, in-house counsel, mail and postage, purchasing, and records management. AB 233 allowed counties to discontinue providing these services to the courts, forcing the courts to assume responsibility for these administrative functions. Unfortunately, trial courts, particularly the smaller courts, often do not have sufficient resources or infrastructure to assume what were formerly county-provided services. Thus, the need for increased funding in these areas.
 - Since Trial Court Unification (unification), courts are finding that in some areas of administrative operations, compatibility with their county’s services are growing further apart. In these cases, there is an increasing trend by the court, the county or both to seek a cessation in providing some services.
 - For courts that have already assumed administrative functions, unification has increased workload by adding the workload of the municipal courts to their responsibilities.
 - Courts are experiencing workload increases due to additional demands imposed by the State, and by the tight labor market. Existing trial court statutes governing the transition to state funding specify that courts have the opportunity to absorb new duties to become solely responsible for their fiscal and operational affairs (Gov. Code section 77212(b) and (c)).
 - In fiscal year 2000–2001, courts have reported that they have 1,987 positions in this large operations area. The total trial court budget for this area is \$313.5 million.
 - \$9.675 million for Administrative Operations was requested through the FY 2001-2002 BCP process, \$3 million of which was included in the

Governor's Budget. The \$3 million includes funding for facilities management, janitorial and handy-person services, in-house counsel, mail and postage, other personnel, purchasing, records management, and other miscellaneous requests. The AOC submitted a FY 2001-2002 Finance Letter that requests \$2.879 million for fiscal services and human resources support.

- Court Staffing. [A substantial majority of courts considered this program to be a high priority for them at this point in time.]
 - California's court system must comply with a variety of statutory, legislative, and California Rule of Court-based mandates that have implications for court operations and the allocation of its resources as follows:
 - Code of Civil Procedure (CCP) section 269 requires a court reporter in felony and general civil cases.
 - CCP section 274c, in re Armstrong (1981) 126 Cal.App.3d 565, requires the production of a verbatim record in misdemeanor cases.
 - Legislation such as three-strikes has necessitated changes in court operations; however, many trial courts do not have the resources needed to meet state and federal mandates.
 - California Rules of Court identifies rules related to appeals. In 1997 and subsequent years, significant changes were made in the Rules of Court to expedite death penalty cases.
 - Since the passage of Proposition 220 (Unification), courts have had an increased need for permanent, rather than per diem, court reporter positions to cover felony and general civil cases in the trial courts.
 - Since the enactment of trial court funding, each year courts have requested funding for case processing and court operations to add court reporters, public access and case processing staff. For example, in the current fiscal year 2000–2001, courts requested \$41.25 million for case processing needs and only one-time funding of \$22 million for technology-related requests was approved.
 - For fiscal year 2001–2002, the Judicial Council requested \$27.6 million for court staffing which was not included in the Governor's Proposed Budget. Currently, \$11.2 million is being requested as part of the Spring Finance Letter process to fund 208 positions for courtroom support, case processing, and public access.
- Pay Parity. [Well over half the courts considered this program area to be a high majority for them at the current time.]
 - Government Code section 70217 prohibits reduction in the salaries and benefits of court employees as a result of unification (1998 Proposition 220).

- Pay equity adjustments stem from the consolidation of municipal and superior court operations as demonstrated in the problems encountered:
 - Existing classifications maintained the separation between superior and municipal court positions. In some instances promotion steps between classifications did not exist or did not provide a wage incentive to seek the promotion.
 - Because some classifications originated in municipal courts and others in superior court, after consolidation, several pay levels existed for classifications with similar requirements. This necessitated combining resources performing the same or similar functions.
 - Equity adjustments for some employees resulted in salary compression between supervisors and those that they supervised. The requested equity adjustments allow for a reasonable differential between those classifications.
 - If salary adjustments are not funded, trial courts will only be able to absorb the costs by redirecting funds from other programs and services, such as pro per litigant centers, and technology projects.
 - In fiscal year 1999–2000, approximately \$2 million was appropriated to fund pay equity adjustments that were imposed but not funded in prior years.
 - For fiscal year 2001–2002, the trial courts requested \$35.256 million to address unification and market-driven factors. The Governor did not include in his Proposed State Budget the Judicial Council request to fund \$17.4 million in pay equity adjustments that were the result of either unification or market driven factors. A Spring Finance Letter was recently submitted that requests \$11.9 million to fund pay equity issues arising out of unification.
- Security. [Over half the courts considered this program to be a high priority for them at this time.]
- Section 7 of the Standards of Judicial Administration says that each trial court should designate a Court Security Officer who is responsible for preparing a court security plan that will indicate the desired level of security for courtrooms, building and grounds, including the planned allocation of security forces and equipment.
 - As of July 1, 1999, according to Government Code section 77212.5, trial courts in which court security services are otherwise required by law to be provided by the sheriff's department are required to enter into an agreement with the sheriff's department that was providing court security services as of July 1, 1998.
 - The California State Sheriffs' Association has performed a survey of the support provided by their members to their court systems and believe there

- is a large amount of rule 810 allowable services that are currently unfunded by the state.
- There is ongoing discussion regarding what services are rule 810 allowable and which are not. Some courts may currently be paying for non-allowable services. Others are not paying for allowable services.
 - Some courts do not have the very basic levels of security, for example, one bailiff per judicial position, or perimeter security at the entrance to their main courthouse.
 - Over \$30 million was provided for security in fiscal year 1998–1999. An additional \$3 million was received the following year. No BCP was submitted in fiscal year 2000–2001. Currently, \$22 million (in non-NSI security funding) is pending in the Governor’s Budget for fiscal year 2001–2002. A Finance Letter was recently submitted that requests \$4.8 million for NSIs for security staff.
- Children and Family. [Over half the courts considered this program area to be a high priority for them at this point in time.]
- In the last 10 years, cases involving Family and Children court services have increased over 187 percent, while court staffing numbers have remained virtually stagnant.
 - Family and Children court programs cover a wide array of direct public services including: child custody mediations and evaluations, marriage terminations and property settlements; juvenile delinquency and dependency proceedings; probate and guardianship investigations, etc. The number of cases falling within these areas continues to constitute the largest percentage of all civil filings in trial court systems statewide.
 - Numerous state and federal mandates govern the provision of Family and Children court services.
 - The Budget Act of 2000 contained \$10 million for statewide Family and Children court services in the specific sub-areas of family and juvenile law. The Judicial Council’s fiscal year 2000–2001 submission was predicated upon a multi-year funding approach to address Family and Children court services needs. Currently, \$3 million is pending in the Governor’s Budget for fiscal year 2001–2002 for this area.
- Records Management. [More than half the courts considered this program area to be a high priority for them at the current time.]
- In furtherance of the Judicial Council’s goal to implement the Tactical Plan for Court Technology, and to assist the courts in maintaining control over document flow and management of their record-keeping functions, acquisition of and development for systems is required. Such equipment and projects include optical imaging and data warehousing.

- Courts are statutorily required to maintain court records, transcripts, files and other such documents in the administration of justice throughout the state. Due to increased case filings along with antiquated file maintenance systems, courts currently are unable to effectively monitor and control this requirement.
- There is limited funding available to support records management projects. Accordingly, in order to facilitate better document control and recordkeeping, this program has been deemed a priority for funding.
- No funding was requested for records management in fiscal year 2000–2001.
- A BCP for \$1.15 million was submitted for fiscal year 2001–2002. Of this amount, approximately \$317,000 is included in the Governor’s Proposed Budget to address records management issues.

Budget Caps

As a starting point in the methodology for this recommendation, a decision was made that the maximum that could reasonably be requested for the complete trial court budget request process was 10 percent of the total trial courts’ baseline budget. The total baseline budget (subtracting out superior court judge salaries and assigned judges) is \$1.667 billion. Ten percent of this would equal \$167 million. Subtracting out the \$30 million recommended for Technology and \$10 million recommended for Interpreters and Court Appointed Counsel, would leave \$127 million. This amount would then be available to address the six recommended budget priorities (Establishment/Expansion of Administrative Services, Court Staffing, Pay Parity, Security, Children and Family, and Records Management).

In deciding how the courts should be allowed to potentially request the remaining \$127 million, the TCBC wanted to provide a limit that would be high enough so that small courts could request sufficient funding to address at least their highest priorities in an appropriate manner. (For example, courts would not have to request .25 of a much needed position in order to stay below their cap.) The TCBC decided to recommend the 7.5 percent cap for courts with baseline budgets of over \$3.3 million or \$250,000 cap for courts with baseline budgets of less than \$3.3 million. Using this methodology, no court would be disadvantaged, i.e., for courts with baseline budgets of less than \$3.3 million, 7.5 percent of their baseline budget would always be less than \$250,000. Similarly, no court with a baseline budget of over \$3.3 million would be restricted to requesting less than \$250,000. While the increase for the smaller courts from \$100,000 (in the previous fiscal year budget development process) to \$250,000 is substantial, in fiscal year 2001–2002, the cap applied only to local needs – it did not apply to county/state charges, which included infrastructure, increased charges, and security. All of these items

will now be capped. Attachment D at pages 25 and 26 indicates at column B, the recommended cap for each trial court system.

In order to assist those small courts that might have extraordinary needs beyond the \$250,000 cap or limit, the TCBC decided to recommend that courts with baseline budgets below \$3.3 million be allowed to submit up to a maximum of three additional budget change requests in the six previously listed priority areas. However, any such request would need to be documented as to its urgency and the adverse impact to the court or the public of not approving it would have to be detailed.

Alternative Actions Considered by TCBC

A concern was raised that none of the six recommended priority areas include items that are perceived as being of particular importance to the public, such as Jury System Improvement, Public Outreach/Strategic Planning, and Unrepresented Litigants. The Judicial Council has indicated its strong support for providing services to the public through Goal IV (“Quality of Justice and Service to the Public”) of its Long-Term Strategic Plan. The TCBC considered whether they should place one or more of these categories into the recommended priorities, despite the low ranking they received from the courts. Ultimately, it was decided that these programs should not be recommended as priorities for the following reasons: (1) they had continually been considered as low priorities by most of the courts throughout the process; (2) funding had recently been received in some of these areas (increased jury per diem fees and one-day/one-trial funding); (3) funds were available from other sources (Strategic Planning); or (4) the priority was important enough to courts that they would provide the services regardless of whether funding was made available or not (public outreach).

A discussion was also held as to whether there should be a limit on the number of BCRs a court could submit. Many TCBC members felt that limiting courts to one BCR in each priority area would result in disjointed BCRs that would cover a number of unrelated requests. What if a court did not have a need in one area, but had numerous needs in another? They also felt that limiting the courts to a certain number of BCRs overall, such as 7 or 15, would be too limiting as well, and again would result in BCRs that covered too many unrelated requests and would be confusing to read. A decision was made to recommend that the courts could submit an unlimited number of BCRs as long as they did not exceed the 7.5 percent or \$250,000 cap.

Another discussion occurred on whether \$30 million would be sufficient for Technology requests. Some TCBC members felt that this was a very important area for the courts and that they had needs for a larger amount of funding.

However, it was pointed out that funding was available for Technology through the Judicial Administration Efficiency and Modernization Fund (Modernization Fund), that some of the Technology funding would be spent over a multi-year period, and some was appropriated on an ongoing basis. In addition, the \$30 million amount was considered to be adequate by the Information Systems Division of the AOC. The TCBC decided not to change the \$30 million recommendation.

Comments from Interested Parties

This item was not circulated for comment. It is not customary to circulate budget items to the public. On the other hand, because of the process used for setting the budget priorities, as described above, trial court systems did have two opportunities to express their opinions as to what they felt should be the budget priorities for fiscal year 2002–2003.

Implementation Requirements and Costs

The recommended actions will not result in an increase in costs to the trial courts or the AOC. Whatever requests are ultimately submitted will be for new funding.

ATTACHMENT A

PRIORITIZATION OF OBJECTIVE CATEGORIES BASED ON THE OCTOBER 2000 COURT SURVEY

Objective Category	Priority
Establishment/Expansion of Administrative Services	154
Facilities	147
*Management of Court Operations and Resources	147
*Technology Infrastructure	146
Pay Parity	144
Judicial and Staff Education and Training	144
Security	142
Unrepresented Litigants	139
Court Staffing	137
Strengthen Fiduciary Responsibilities	135
*Telecommunications	132
Court Procedures	131
*Public Access to Court Information	128
Jury System Improvements	127
Physical Barriers	120
Services to Children and Families	114
Public Outreach	113
Interpreters	112
Strategic Planning	109
Collaborative Courts	105
Court Appointed Counsel	105
ADR/Mediation	91
Specialty Courts	84

Methodology: Courts ranked all objectives high, medium, or low priority. A high priority received 3 points, medium 2 points, and low 1 point.

ATTACHMENT B

This table is a representation of the end product of the budget prioritization process that is described in detail on page 11 of this report.

PRIORITIZATION OF OBJECTIVE CATEGORIES BY THE TRIAL COURTS IN JANUARY 2001

Objective Category	Total Points
Establishment/Expansion of Administrative Services	710
*Technology Infrastructure	608
*Management of Court Operations and Resources	599
Court Staffing	584
Pay Parity	550
Security	487
Children and Family	479
**Records Management	437
Infrastructure Improvement	435
Judicial and Staff Education and Training	393
Unrepresented Litigants	389
*Public Access to Court Information	381
*Telecommunications	348
Public Outreach/Strategic Planning	302
Court Appointed Counsel	269
Jury System Improvements	223
Interpreters	219
ADR/Mediation	172
Collaborative Courts/Specialty Courts	160

Methodology: Members asked to prioritize objectives 1-19. A priority of 1 equaled 19 points, 2 equaled 18 points, etc.

* Items are technology related.

** Includes technology and non-technology components.